

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KIMBERLY EVANS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

CASE NO. 12-cv-05465-RBL-JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the Administration for further consideration. (ECF No. 16.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

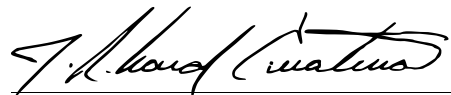
1 On remand, based on the parties' stipulation, this Court recommends that the
2 Commissioner's final decision be reversed and remanded to an Administrative Law Judge
3 ("ALJ") for further administrative proceedings, in accordance with sentence four of 42 U.S.C. §
4 405(g). Following remand, the ALJ should further develop the record and conduct a *de novo*
5 hearing; further evaluate the medical opinions of record and provide specific reasons for the
6 weight assigned to those opinions; and determine whether or not plaintiff's period of disability
7 continued after October 11, 2010.

8 This Court further recommends that the ALJ take any other actions necessary to develop
9 the record. In addition, plaintiff should be allowed to submit additional evidence and arguments
10 to the ALJ on remand.

11 Following proper application, plaintiff should be entitled to reasonable attorney's fees
12 pursuant to the terms of the Equal Access to Justice Act, 28 U.S.C. §2412 *et seq.*

13 Given the facts and the parties' stipulation, the Court recommends that the District Judge
14 immediately approve this Report and Recommendation and order the case be **REVERSED** and
15 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

16 Dated this 2nd day of November, 2012.

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19 J. Richard Creatura
20 United States Magistrate Judge
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